

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY RICHARDSON,

Case No. 2:23-cv-10488

*Plaintiff,*

Susan K. DeClercq

v.

United States District Judge

NATHAN FALK,

Patricia T. Morris

United States Magistrate Judge

*Defendant.*

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

On September 10, 2024, Magistrate Judge Patricia Morris issued a report recommending that Defendant's Motion to Dismiss (ECF No. 32) be granted in part and denied in part. Neither party filed objections within the fourteen day period pursuant to Fed.R.Civ.P 72(b) and 28 U.S.C. § 636(b)(1). They therefore have forfeited their right to appeal Judge Morris's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530-31 (6<sup>th</sup> Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Moreover, there is no prejudicial clear error in the report.

Accordingly, it is **ORDERED** that the Report and Recommendation (ECF No. 39) is **ADOPTED**.

Further, it is **ORDERED** that Defendant's Motion to Dismiss (ECF No. 32) is **GRANTED IN PART AND DENIED IN PART**.

Further it is **ORDERED** that Discovery is **REOPENED** for 45 days.

Further, it is **ORDERED** that the Magistrate Judge is **DIRECTED** to issue a new scheduling order in accordance with the Report and Recommendation.

Further, it is **ORDERED** that Plaintiff is **DIRECTED** to complete discovery as soon as practicable and before the deadline set by the Magistrate Judge.

Further, it is **ORDERED** that Plaintiff is **DIRECTED** to subject himself to be deposed by Defendant.

Further, it is **ORDERED** that Plaintiff is **NOTIFIED** that any additional discovery violation *will* result in the dismissal of his complaint with prejudice under Civil Rule 41(b) for failure to prosecute.

**This order does not close the above-captioned case.**

/s/Susan K. DeClercq  
SUSAN K. DeCLERCQ  
United States District Judge

Dated: October 7, 2024